GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – A.P. Jail Services – Prisoners Agricultural Colony, Ananthapuramu – Sri K.Chinna Rao, Superintendent of Jails (Retired), Prisoners Agricultural Colony – Allegations of failed to discharge his legitimate duties to recover lease amount of Rs.29,28,240/- from the lessee Sri N.Samba Siva Reddy, Ananthapuramu in respect of Mango Orchard of PAC, Ananthapuramu for the year 2024 - Departmental proceedings under Rule-20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of charges - Issued.

HOME (PRISONS & FIRE) DEPARTMENT

G.O.RT.No. 1039 **Dated: 09-10-2024**
Read:

1.From the Director General of Prisons & Correctional Services, Andhra Pradesh, Letter No. Estt-2/15/2024, Dated: 26.06.2024
2. G.O.Ms.No.127, Home (Prisons & Fire) Department, dated: 09.10.2024.

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O R D E R:

In the G.O.2nd read above, sanction was accorded for initiating disciplinary action against Sri K.Chinna Rao, Superintendent of Jails (Retired), Prisoners Agricultural Colony, Ananthapuramu, under Rule-9 of APRP Rules, 1980.

2. Accordingly, it is proposed to hold an enquiry against Sri K.Chinna Rao, Superintendent of Jails (Retired), Prisoners Agricultural Colony, Ananthapuramu, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

3. The statement of articles of charges and statement of imputations of misconduct and misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed Annexures I&II. A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed in Annexures III & IV.

4. Sri K.Chinna Rao, Superintendent of Jails (Retired), Prisoners Agricultural Colony, Ananthapuramu, is directed to submit his written statement of defense within (15) days from the date of receipt of this order.

5. Sri K.Chinna Rao, Superintendent of Jails (Retired), Prisoners Agricultural Colony, Ananthapuramu, is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

(P.T.O)

6. Sri K.Chinna Rao, Superintendent of Jails (Retired), Prisoners Agricultural Colony, Ananthapuramu, is further informed that if he does not submit his written statement of defense on or before the date specified in para-4 above, or does not comply with the provisions of Rules 20 of the APCS(CC&A) Rules, 1991, or the orders/directions issued in pursuance of the said rules, the inquiring authority will be processed based on the material available.

7. The receipt of this G.O. may be acknowledgement.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri K.Chinna Rao, formerly Superintendent of Jails (now retired), Prisoners Agricultural Colony, Ananthapuramu through the Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri.

The Director General of Prisons and Correctional Services, Andhra Pradesh Mangalagiri. (with a request to serve and return the served copy with dated acknowledgement to Government.)

SC/SF.

//FORWARDED:: BY ORDER//

SECTION OFFICER

(Annexure to G.O.Rt.No.1039 Home (Pri&Fire) Department, Dated: 09.10.2024)

ANNEXURE – I

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI K. CHINNA RAO, FORMERLY SUPERINTENDENT OF JAILS (NOW RETIRED), PRISONERS' AGRICULTURAL COLONY, ANANTHAPURAMU.

Article of Charge-I

"That the said Sri K.Chinna Rao, formerly Superintendent of Jails, Prisoners' Agricultural Colony, Ananthapuramu, retired on 31.05.2024, while working in the afore said capacity, caused monetary loss to the Government exchequer by not observing due diligence and exhibited gross negligence by letting Sri N.Sambasiva Reddy who is the lessee of Mango Crop, to take away the Mango yield for the year 2024 despite of being aware of the fact that the lessee, did not pay the lease amount of Rs.29,28,240-00 as per the agreement for the year 2024 and thus violated Article 133(A) of AP Financial Code Vol:I and rule no: 46(1) of A.P. Prisons Rules, 1979.

Article of Charge –II

"That the said Sri K. Chinna Rao, formerly Superintendent of Jails, Prisoners' Agricultural Colony, Ananthapuramu retired on 31.5.2024, while working in the afore said capacity failed to make alternate arrangements for the disposal of Mango Crop for the year 2024 through public auction or public sale and also failed to adhere to the established existing practice of collecting a portion of the lease amount during the period between January and April, 2024 and the remaining amount at the time taking away the crop from the lessee Sri N. Sambasiva Reddy due to which entire sale proceeds of mango yield for the year 2024 was not accrued to the Government exchequer and thus he has violated Rule 3(1)(2)(3) of APCS (Conduct) Rules, 1964.

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

(Annexure to G.O.Rt.No.1039 Home (Pri&Fire) Department, Dated: 09.10.2024)

ANNEXURE –II

STATEMENT OF IMPUTATIONS OF MISCONDUT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI K. CHINNA RAO, FORMERLY SUPERINTENDENT OF JAILS (NOW RETIRED), PRISONERS' AGRICULTURAL COLONY, ANANTHAPURAMU.

1. The lease amount payable by the lessee Sri N.Sambasiva Reddy, Neelampalli for the Mango Crop of Prisoners' Agricultural Colony, Ananthapuramu for the year 2024 is Rs 29,28,240-00.

2. This amount has to be paid by him by 30-04-2024. However the said Sri N.Sambasiva Reddy has submitted a representation dt 14-03-2024 to the Director General of Prisons and Correctional Services, Andhra Pradesh to waive off the lease amount stating that due to scarcity of water due to insufficient rainfall there is poor mango yield. However the Director General of Prisons and Correctional Services, Andhra Pradesh rejected the request and instructed the Superintendent of Jails, Prisoners' Agricultural Colony, Ananthapuramu vide Memo.No. P&L-3/343/2021, Dt. 21-03-2024 to collect lease amount of Rs. 29,28,240-00 by April 2024 from the lessee.

3. As and when the lessee's request for waiving of lease amount of Rs.29,28,240-00 for the year 2024 was rejected by the lesser viz., Director General of Prisons and Correctional Services, Andhra Pradesh, the Superintendent of Jails, PAC, Ananthapuramu i.e., Sri K.Chinna Rao (retired on 31.05.2024) must have taken extra care and would have posted sentry at the leased mango crop land to prohibit the entry of lessee in to the jail land and ensured that mango harvest is not touched by the lessee until the lease amount is paid.

4. Instead Sri K.Chinna rao, formerly Superintendent of Jails, PAC, Ananthapuramu (retired on 31.05.2024) based on the mere word of mouth of the lessee, that lease amount will be paid from the sale proceeds, has allowed the lessee to take away mango crop produce without any collateral. Because of his inaction the lessee collected the Mango yield in spite of not paying the lease amount causing loss to the exchequer.

5. The peak season for harvesting Mango Crop is between January to April 2024. If due diligence is not observed during this period, it would be disastrous for the entire Mango yield. The Mango Crop of PAC, Ananthapuram was leased out to Sri N.Samba Siva Reddy, Neelampalli and he has to pay Rs 29,28,240-00 by 30th April 2024 .

6. However, he has submitted a representation dt 14-03-2024 to Director General of Prisons and Correctional Services, Andhra Pradesh to waive off the lease amount. Immediately Sri K.Chinna Rao, Superintendent should have acted swiftly and take the Mango Plantation under his control and explored alternative methods for the sale of Mango yield through another public auction or Public sale. Sri K.Chinna Rao acted negligently in a slumber manner to let the things happen as they happened instead of acting proactively to prevent loss to the exchequer.

(P.T.O)

7. Further, lease agreement was made on 25-02-2022 for the first two years viz., from 01-01-2022 to 31-12-2023 such that the lessee has to pay an amount of Rs. 26,56,000-00 for the year 2022 by April of that year and with the enhanced 5% amount of the previous year viz., Rs. 27,88,800-00 for the year 2023 by the April of that year. Accordingly, the Superintendent of Jails, PAC, Ananthapuramu collected the lease amount for the years 2022 and 2023 as detailed below:

For the year 2022

1. **Collected in January, 2022 - Rs.5,00,000-00**
2. **Collected by 20-04-2022 - Rs.21,56,000-00**
   (before the prescribed time of April ending)

For the year 2023

1. **Collected on 31-03-2023 - Rs.15,00,000-00**
2. **Collected on 29-04-2023 - Rs.12,88,800-00**
   (before the prescribed time of April ending)

8. As seen above there is a specific practice of collecting some part of the leased amount in the years 2022 and 2023 and the remaining amount by the end of April every year before taking away the crop. However, for the year 2024, the Superintendent of Jails, PAC, Ananthapuramu has failed to follow the regular practice of collecting part amount of the lease amount of Rs.29,28,240-00 viz., before April and the remaining amount at the time of taking away produce in the month of April. Now lessee is reluctant to pay the lease amount and as such inaction of the Superintendent of Jails, PAC, Ananthapuramu is caused huge loss to the Government Exchequer.

Assertion from the happenings at Prisoners Agricultural Colony, Ananthapuramu and statement of Sri K.Chinna Rao, formerly Superintendent of Jails, Prisoners Agricultural Colony, Ananthapuramu, retired on 31.05.2024

1. The Deputy Inspector General of Prisons, Kadapa Range has submitted a detailed report to the Director General of Prisons and Correctional Services, Andhra Pradesh vide Lr.No.DIG(KR)/SA2/984/2024, Dt. 25-05-2024 wherein he has reported as detailed below.

2. Initially public auction for lease of mango crop (4009 trees in 200 acres) being grown at Prisoners' Agricultural Colony, Ananthapuramu for a period of (10) years was held on 19-01-2022 in the presence of committee under the chairmanship of Inspector General of Prisons, Andhra Pradesh constituted by the Director General of Prisons and Correctional Services, Andhra Pradesh and accordingly the committee approved the highest bid amount of Rs.26,56,000-00 quoted by Sri N. Samba Siva Reddy, Neelampalli. Subsequently agreement was executed on 08-11-2023 between the first party viz., Owner/Lessor Director General of Prisons and Correctional Services, Andhra Pradesh and second party viz., Lessee/Cultivator Sri N. Sambasiva Reddy, Neelampalli inclusive of the following conditions.

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a. The lease period being the (10) years from 01-01-2022 to 31-12-2031 and an amount of Rs. 26,56,000.00 has to be paid in the form of cash or DD by April, 2022 of that year. From the second year onwards there would be an increment of 5% of the lease amount of the previous paid year and such amount shall be paid by April of that year.
b. The lease agreement is for the first two years only viz., from 01-01-2022 to 31-12-2023. Later on 01-01-2024 fresh lease agreement will be extended for every two years with the consent of the two parties.
c. If both parties wants to terminate the agreement, 90 days prior notice shall be given.
d. The Lesser/Owner is not responsible for any kind of losses incurred due to natural calamities.

3. Accordingly, the lessee has paid the lease amount of Rs. 26,56,000-00 for the year 2022 and the 5% enhanced amount of Rs. 27,88,800-00 for the second year in 2023. Further both the parties have renewed the agreement period for the next two years viz., from 01-01-2024 to 31-12-2025 and executed agreement bond on 17-01-2024 and as per such agreement the lessee is due to pay the enhanced 5% amount of the period year paid amount as lease amount viz., Rs.29,28,240-00 for the third year by April, 2024.

4. However Sri N. Sambasiva Reddy being Lessee has submitted a representation to the Director General of Prisons and Correctional Services, Andhra Pradesh being the lesser to waive off the lease amount of Rs. 29,28,240-00 for the year 2024 citing that due to scarcity of rainfall, required water could not be provided to the trees and as such there was not proper mango yield. Further due to extension of Ananthapuramu and Guntur national Highway which routed through the Mango Crop of Prisoners' Agricultural Colony, Ananthapuramu, (103) mango trees expanded in 10 acres of the leased area were uprooted, which ultimately effected another 100 acres land.

5. In this regard, the District Horticulture Officer, Ananthapuramu has furnished fruit trees valuation report to the Superintendent, Prisoners' Agricultural Colony, Ananthapuramu in respect of Horticulture Plants (103 Nos. mango Orchard) existing in the jail land for acquisition of land for upgradation of National Highway.

6. However such requisition of the lessee was rejected by the Owner/Lesser in line with the rules in force and terms of lease agreement and the Superintendent of Jails, PAC, Ananthapuramu was instructed to collect the lease amount of Rs. 29,28,240-00 from the lessee and report compliance.

7. But the Superintendent of Jails, PAC, Ananthapuramu has submitted a proposal to the Owner/Lesser wherein he has stated that abiding to the instructions issued, he has informed the lessee to pay the lease amount of Rs. 29,28,240-00 for the year 2024 vide his communications dated 18-04-2024 and dated 29-04-2024. However, the lessee has paid deaf ear after several requests and the lessee has taken away the major part of the mango produce from the jail land and sold the same and accordingly, he has requested for intervention.

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8. In this connection, the Deputy Inspector General of Prisons, Kadapa Range has called for explanation from the Superintendent of Jails, PAC, Ananthapuramu and in reply he has stated that the lessee has approached his office and made promise orally that he will pay the lease amount from the sale proceeds of the mango harvest as he did in the early years since the agreement has given time upto April, 2024. So, based on the good faith in the lessee, mango crop harvesting was allowed as the restrain of the lessee before the time given in the argument will ultra vires the agreement. However the lessee had betrayed and did not pay the lease amount till 30-04-2024 and not responding to phone calls.

9. The peak season for harvesting Mango Crop is between January to April 2024. If due diligence is not observed during this period, it would be disastrous for the entire Mango yield. The Mango Crop of PAC, Ananthapuram was leased out to Sri N.Samba Siva Reddy, Neelampalli and he has to pay Rs 29,28,240-00 by 30th April 2024. However, he has submitted a representation dt 14-03-2024 to Director General of Prisons and Correctional Services, Andhra Pradesh to waive off the lease amount. Immediately Sri K.Chinna Rao, the then Superintendent, retired on 31.05.2024 should have acted swiftly and take the Mango Plantation under his control and explored alternative methods for the sale of Mango yield through another public auction or Public sale. Sri K.Chinna Rao acted negligently in a slumber manner to let the things happen as they happened instead of acting proactively to prevent loss to the exchequer.

10. Further, lease agreement was made on 25-02-2022 for the first two years viz., from 01-01-2022 to 31-12-2023 such that the lessee has to pay an amount of Rs. 26,56,000-00 for the year 2022 by April of that year and with the enhanced 5% amount of the previous year viz., Rs. 27,88,800-00 for the year 2023 by the April of that year. Accordingly, the Superintendent of Jails, PAC, Ananthapuramu collected the lease amount for the years 2022 and 2023 as detailed below:

For the year 2022

1. **Collected in January, 2022 - Rs.5,00,000-00**
2. **Collected by 20-04-2022 - Rs.21,56,000-00**

(before the prescribed time of April ending)

For the year 2023

1. **Collected on 31-03-2023 - Rs.15,00,000-00**
2. **Collected on 29-04-2023 - Rs.12,88,800-00**

(before the prescribed time of April ending)

11. As seen above there is a specific practice of collecting some part of the leased amount in the years 2022 and 2023 and the remaining amount by the end of April every year before taking away the crop. However, for the year 2024, the Superintendent of Jails, PAC, Ananthapuramu, retired on 31.05.2024 has failed to follow the regular practice of collecting part amount of the lease amount of Rs.29,28,240-00 viz., before April and the remaining amount at the time of taking away produce in the month of April. Now lessee is reluctant to pay the lease amount and as such inaction of the Superintendent of Jails, PAC, Ananthapuramu(retired on 31.05.2024) is caused huge loss to the Government Exchequer.

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12. By his acts, Sri K.Chinna Rao, formerly Superintendent of Jails, Prisoners Agricultural Colony, Ananathapuram retired on 31.05.2024 while working in the afore said capacity has exhibited gross negligence, failed to prevent losses to the Government through theft, fraud, negligence or accident and to making it possible to check the actual balance with book balances and that expenditure on stores at any time and he also failed to answerable for all Jail property, stores and money for any defalcations on the part of the Jail establishment, if it be shown that such defalcations were rendered possible by negligence on his part.

Thus he has violated Article 133(A) of AP Financial Code Vol I, rule no: 46(1) of A.P. Prisons Rules, 1979 and Rule 3(1)(2)(3) of APCS (Conduct) Rules, 1964.

Hence the Charge.

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

((Annexure to G.O.Rt.No.1039 Home (Pri&Fire) Department, Dated: 09.10.2024)

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI K. CHINNA RAO, FORMERLY SUPERINTENDENT OF JAILS (NOW RETIRED), PRISONERS' AGRICULTURAL COLONY, ANANTHAPURAMU ARE PROPOSED TO BE SUSTAINED.

1. Lease agreement executed on 17-01-2024.
2. Memo.No.P&L-3/343/2021, Dt. 24-03-2022 of the Director General of Prisons and Correctional Services, Andhra Pradesh.
3. Memo.No.P&L-3/343/2021, Dt. 21-03-2024 of the Director General of Prisons and Correctional Services, Andhra Pradesh.
4. Memo.No.PAC/ATP/Jailor-2/588/2024, Dt.18-04-2024 of the Superintendent of Jails, PAC, Ananthapuramu.
5. Lr.No.PAC/ATP/JR-2/686/2024, Dt. 02-05-2024 of the Superintendent of Jails, PAC, Ananthapuramu.
6. Lr.No.PAC/ATP/Jailor2/813/2024, Dt. 21-05-2024 of the Superintendent of Jails, PAC, Ananthapuramu.
7. Statement dt.22-05-2024 of Sri P. Madhusudhan Reddy, Jailor, PAC, Ananthapuramu.
8. Duties allotment made in Proc.No.PAC/ATP/SA(E)/1042/2023, Dt. 21-06-2023 of the Superintendent of Jails, PAC, Ananthapuramu.
9. Statement, dated 22.05.2024 of Sri Ch. Atchinnaidu, Jailor, PAC, Ananthapuramu
10. Statement of Sri D.Chennakesavulu, Deputy Jailor, PAC, Ananthapuramu, dt.19.05.2024.
11. Statement of Sri V.Hanumappa, Deputy Jailor, PAC, Ananahtpuaramu, dt.19.05.2024
12. Statement of Sri S.Babu, Deputy Jailor, PAC, Ananathapuram, dt.19.5.24
13. Statement of Sri N.Appala Raju, Deputy Jailor, PAC, Ananthapuramu, dt 19.5.24
14. Statement of Convict Prisoner no: 4519 V.Hanumanna S/o Subbadu , Prisoners Agricultural Colony, Ananthapuramu
15. Statement of Convict Prisoner no: 4506 T. Narasimha Murthy S/o Narasimhappa, Prisoners Agricultural Colony, Ananthapuramu
16. Statement of Convict Prisoner no: 4414 V.Veeranna S/o Rangaiah, Prisoners Agricultural Colony, Ananthapuramu
17. Statement of Convict Prisoner no: 3979 V.Lakshminarayana S/o Subbanna, Prisoners Agricultural Colony, Ananthapuramu
18. Statement of Convict Prisoner no: 3985 T.Pullanna S/o Lakshmanna, Prisoners Agricultural Colony, Ananthapuramu
19. Statement of Convict Prisoner no: 4461 K.Ramachandra Reddy S/o Krishna Reddy, Prisoners Agricultural Colony, Ananthapuramu
20. Statement of Convict Prisoner no: 4513 V.Gopal Naik S/o Kamalya Naik, Prisoners Agricultural Colony, Ananthapuramu
21. Report of the Deputy Inspector General of Prisons, Kadapa Range, Kadapa vide letter no: DIG(KR)SA-2/984/2024, dated 25.05.2024

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

(Annexure to G.O.Rt.No.1039 Home (Pri&Fire) Department, Dated: 09.10.2024)

ANNEXURE-IV

LIST OF WITNESS BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI SRI K. CHINNA RAO, FORMERLY SUPERINTENDENT OF JAILS (NOW RETIRED), PRISONERS' AGRICULTURAL COLONY, ANANTHAPURAMU.ARE PROPOSED TO BE SUSTAINED.

1. Sri Ch. Atchinnaidu, Jailor, PAC, Ananthapuramu.
2. Sri P. Madhusudhan Reddy, Jailor, PAC, Ananthapuramu.
3. Sri D.Chennakesavulu, Deputy Jailor, PAC, Ananthapuramu
4. Sri V.Hanumappa, Deputy Jailor, PAC, Ananahtpuaramu
5. Convict Prisoner no: 4519 V.Hanumanna S/o Subbadu, Prisoners Agricultural Colony, Ananthapuramu
6. Convict Prisoner no: 4506 T. Narasimha Murthy S/o Narasimhappa, Prisoners Agricultural Colony, Ananthapuramu
7. Convict Prisoner no: 4414 V.Veeranna S/o Rangaiah, Prisoners Agricultural Colony, Ananthapuramu
8. Convict Prisoner no: 3979 V.Lakshminarayana S/o Subbanna, Prisoners Agricultural Colony, Ananthapuramu
9. Convict Prisoner no: 3985 T.Pullanna S/o Lakshmanna, Prisoners Agricultural Colony, Ananthapuramu
10. Convict Prisoner no: 4461 K.Ramachandra Reddy S/o Krishna Reddy, Prisoners Agricultural Colony, Ananthapuramu
11. Convict Prisoner no: 4513 V.Gopal Naik S/o Kamalya Naik, Prisoners Agricultural Colony, Ananthapuramu

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT